



THE SCHOOL DISTRICT OF
PHILADELPHIA

Section 504 of the Rehabilitation Act

Protecting Students with Disabilities
Frequently Asked Questions
November 6, 2018

Who's in the Room?



Objectives

- ❖ Review 504 Legislation and Eligibility Criteria
- ❖ Describe the 504 Process
- ❖ Discuss Activities for Section 504 Case Managers

Any questions you are hoping to have answered?



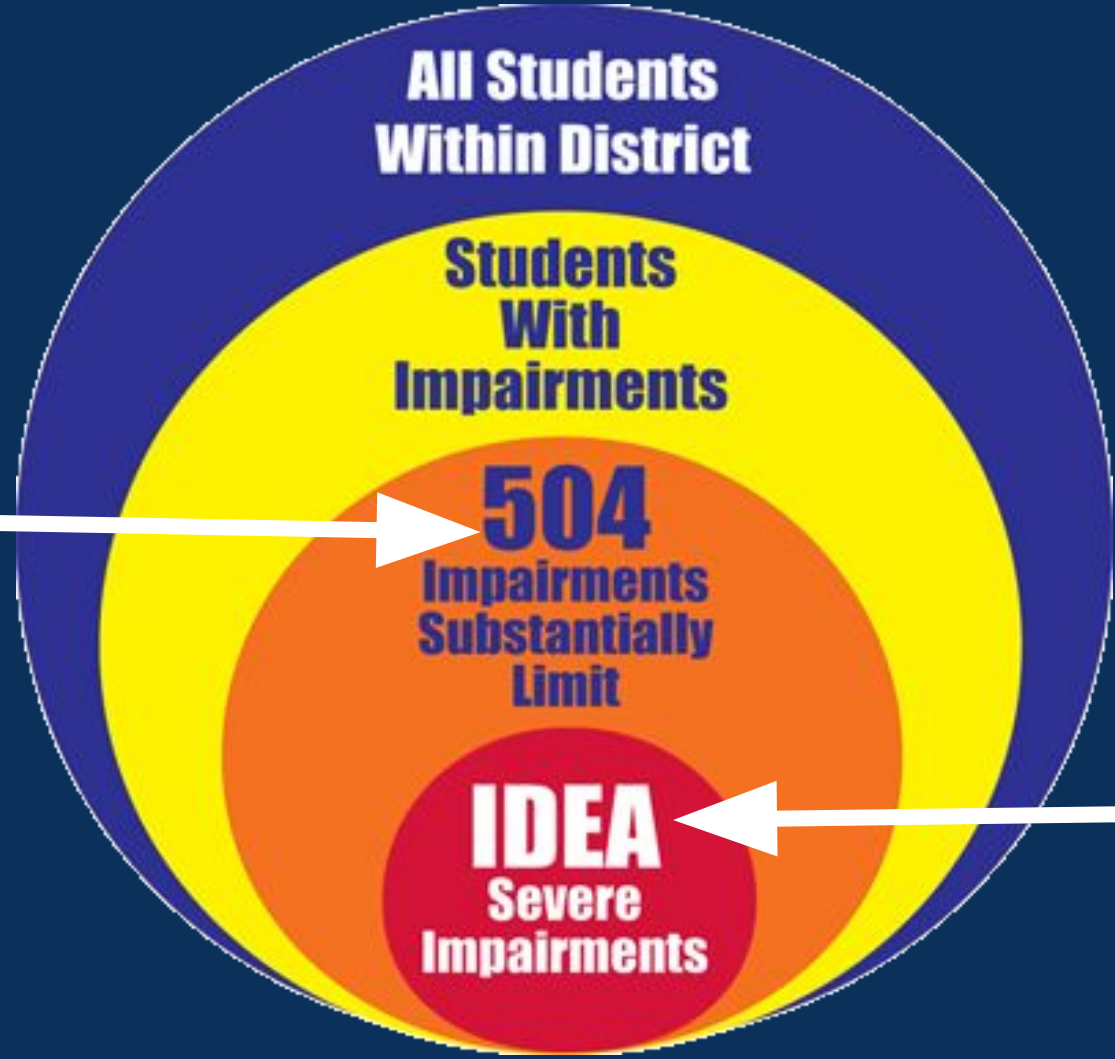
Section 504 Legislation and Eligibility Criteria



Supporting the Needs of All Students

Legislation

A civil rights law established to protect against discrimination of on the basis of physical or mental impairments. PA Code Chapter 15



Federal law governs special education services for qualifying students within 13 disability categories. PA Code Chapter 14

Free Appropriate Public Education

- ❖ The Section 504 regulations require a school district to provide a **free appropriate public education (FAPE)** to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability.
- ❖ FAPE consists of education, related aids/services, and accommodations designed to meet the student's individual needs. Section 504 requires a school district to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met.

Section 504 Eligibility Criteria

❖ A physical or mental impairment...

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems.
- Or any mental or psychological disorder such as cognitive impairment, emotional or mental illness.

❖ That limits a major life activity...

- Major life activities are defined as functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating.
- Major bodily functions such as respiratory, bowel, bladder, digestive are also included.

❖ In a substantial way...

Substantial Limitation

- ❖ An impairment is a disability if it **substantially limits** the ability of an individual to perform a major life activity as compared to most people in the general population.

5	Extremely	_____
4	Substantially	_____
3	Moderately	_____
2	Mildly	_____
1	Negligibly	_____

- ❖ In a public school setting, compare students at issue to the average student.

Temporary and Episodic Impairments

- ❖ A temporary impairment (expected duration of six months or less) is a disability if it is severe enough that it substantially limits a major life activity for the student.
- ❖ An impairment that is episodic or in remission is also a disability under Section 504.

Conditions such as seasonal allergies or asthma, migraines, and cystic fibrosis are good examples of impairments that may be substantially limiting at times (in hot weather, when the student is stressed, when irritants or trigger factors are present) and have little impact at other times.

Section 504 Non-eligible

- ❖ Students who qualify under IDEA/Chapter 14 Special Education.
- ❖ Students who do not have disability, or have no record of a disability or who are not regarded as having a disability.



Medical Diagnosis \neq Automatic 504 Plan

- ❖ Not every medical diagnosis will substantially limit a student's ability to perform a major life activity.
- ❖ Also a physician's note alone is not enough to qualify a student for a 504 plan. The multi-disciplinary/ Section 504 team must evaluate to determine eligibility.

Click [Here](#) for An Example

POLL THE AUDIENCE

- ❖ For a student with a medical condition, it is not necessary to consider a Section 504 plan when the student's healthcare needs are addressed by an Individual Health Care Plan (IHCP).

TRUE

If a student currently has an IHP, the district must provide parents or guardians with information regarding the student's possible rights to evaluation, placement, and procedural safeguards. An IHP for a student who has a qualifying disability is insufficient if it does not incorporate these rights.

FALSE

504 VS IHP



Factors for Determining Section 504 Eligibility for Students Currently Served by Individual Health Plans (IHP)

1. Frequency of IHP services
2. Intensity of IHP services
3. Complexity of IHP services (student requires constant monitoring)
4. Health and safety risk if IHP services are not provided or are provided incorrectly
5. Student's need for other health related services and accommodations

Click [Here](#) for An Example

¿Questions? about Section 504 Legislation and Eligibility Criteria



Section 504 Process



Section 504 and Child Find



- ❖ A school district “Shall conduct an evaluation...of any person, who, because, of handicap, needs or believed to need special education or related services...”
- ❖ Section 504’s “child find” obligations are affirmative obligations upon a school district to identify, locate, and evaluate such students.

Referral Look-Fors



- ❖ Information that student has been hospitalized
- ❖ Information that student has DSM-V diagnosis
- ❖ Information that student takes medication
- ❖ Information that student receives counseling
- ❖ Information student has medical impairment
- ❖ Numerous or increasing disciplinary incidents
- ❖ Truancy/Attendance issues
- ❖ Information that a student is returning to school after a serious illness or injury;
- ❖ Information that a student is exhibiting a chronic health problem; substantially limiting a major life activity;
- ❖ Indicators of attention or behavior problems
- ❖ Poor or declining grades/assessment results
- ❖ **Poor results/lack of improvement following RTI-MTSS**
- ❖ Information that a student is evaluated under IDEA and is found not eligible for special education services;
- ❖ Parent concerns/request for referral
- ❖ Referrals by outside providers

Section 504 Process begins with a Referral *

*A Referral also known as Identification can be made by school staff, case manager, parent, outside agency, etc.

Step 1

Obtain a records of diagnosis*, release of information and parent input.

Step 2

Issue a parent consent, obtain permission and provide the procedural safeguards, gather evidence and data to be used in the evaluation (teacher input, medical/mental health records/recommendations, etc.)

Step 3

Begin to draft the Section 504 Eligibility document using the data gathered from other team members. Determine eligibility with the team.

Step 4

If the student is eligible discuss accommodations with the team and determine when the eligibility decision and draft accommodation plan will be shared with parent/guardian and student.

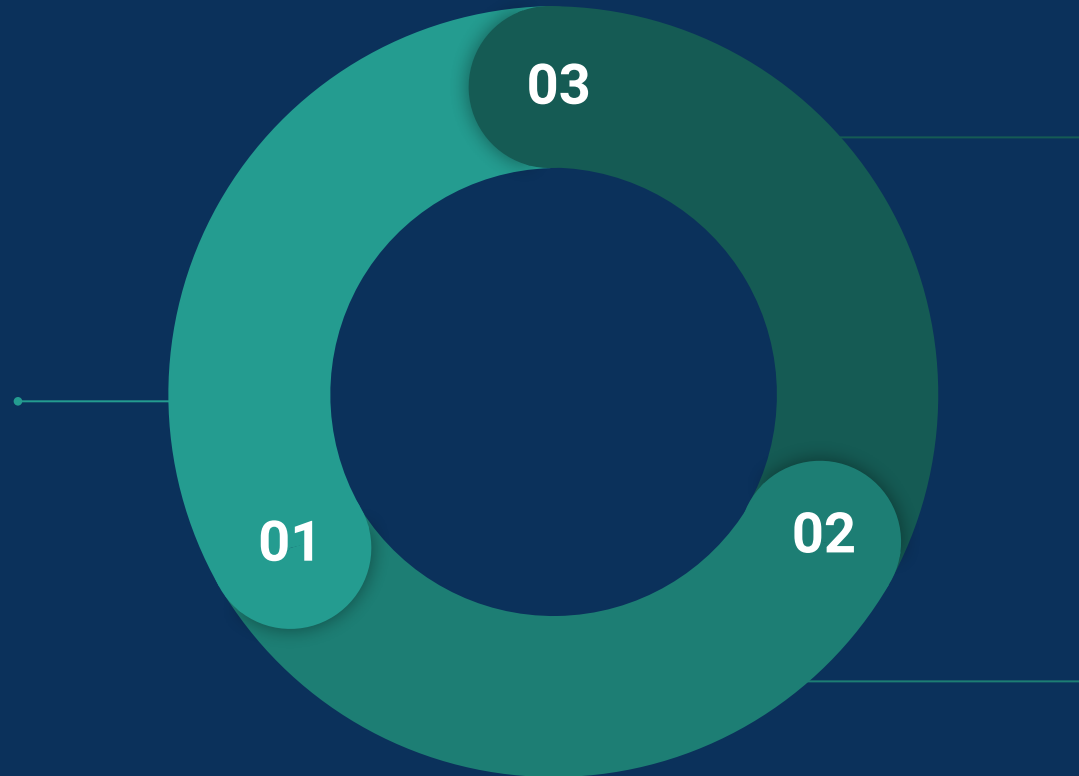
Step 5

Meet with the team and family to finalize and obtain signatures for the eligibility and plan documents.

Section 504 Process Timelines

Within 10 days

Respond to a written request for services within 10 days of the request by convening the Chapter 15 team.



Within 25 days

Respond with a proposed copy of an evaluation and service agreement within 25 days of the consent.

Make a Determination

Determine whether or not the team will move forward with a request to evaluate the child under Section 504.

This entire process can take place during 1 scheduled meeting.

Section 504 Case Manager Responsibility in Determining Eligibility

In determining a Section 504 eligibility, the Section 504 Case Manager will:

- Provide notice of the eligibility determination meeting.
- Provide a copy of the parent/guardian procedural safeguards.
- Provide teacher(s) with the Section 504 teacher input form.
- Provide the parent with the Parent Input Form for Section 504 evaluation.
- Notify the Section 504 team members.
- Gather documentation necessary to complete Section 504 Evaluation/Determination Documentation.
- Provide the parent/guardian with Decision Regarding Evaluation if the student does or does not qualify for Section 504.
- Conduct periodic reevaluation of students Section 504 eligibility every three (3) years.

POLL THE AUDIENCE

- ❖ **Section 504 procedural safeguards are established to ensure that parents and guardians are fully informed concerning decisions involving their child and of their rights.**

TRUE

FALSE

Section 504 Team Members



- ❖ The members of the Section 504 team should include people who know the student, who can interpret the collected data and understand the appropriate accommodation options.
 - Parents
 - Principal or Designee
 - Case manager (School Nurse or Counselor)
 - General Ed. Teachers
 - Special Ed. Teachers/Liaison
 - **Related Service Providers** (Psychologist*, OT, PT, Speech, Hearing, Vision)A School Psychologist may be asked to participate in order to review a non-eligibility report or be included in the manifestation determination process.

➤

Section 504 Team Responsibility in Eligibility

→ Not Section 504 Eligible.

The student is not eligible under Section 504.

→ Section 504 Eligible + Service Agreement.

The student is eligible under Section 504 and will receive a Section 504 Plan that governs the provision of a free appropriate public education to the student. The student will receive manifestation determination, procedural safeguards, periodic re-evaluation or more often as needed, as well as the non-discrimination protections of Section 504.

→ **Continued Section 504 Eligibility.** The student remains eligible under Section 504 and will receive an updated Section 504 Plan that governs the provision of a free appropriate public education to the student. The student will receive manifestation determination, procedural safeguards, periodic re-evaluation or more often as needed, as well as the nondiscrimination protections of Section 504. (For use with re-evaluations).

→ **Dismissal from Section 504.** The student is no longer eligible for Section 504 and is exited from the program. The student will now receive regular education without Section 504 services. The student will receive the non-discrimination protections of Section 504 as a student with a record of an impairment, together with procedural safeguards, but will not receive manifestation determination, or periodic re-evaluation. (Eligibility Termination)

→ **IDEA Eligible & 504 Dismissal.** The student has been determined special education eligible by an IEP Team. Consequently, the student is no longer served through a Section 504 Committee and is exited from the program. The student will receive a free appropriate education through the IEP Team, together with the non-discrimination protections and procedural safeguards of Section 504.

POLL THE AUDIENCE

- ❖ Whether a student is protected under Section 504 requires a careful analysis of whether the student is disabled under Section 504 and whether the student requires a Section 504 plan.

TRUE

FALSE

Section 504 Service Agreement



- ❖ Commonly referred to as the 504 Plan.
- ❖ A written agreement executed by a student's parent and school official setting forth specific related aids, services or accommodations to be provided to the maximum extent appropriate for the student to be educated with his non-disabled peers.
- ❖ **Conduct annual review of students Section 504 plan every year.**

Section 504 Service Agreement Accommodations and Information



- Instructional Methods: What the teachers will do.
- Instructional Materials: What items will provide or allow access to.
- Nursing/Medical
- Behavior
- Testing/Assessment
- Physical Environment/Physical Plant
- Extra Curricular Activities

- Persons responsible for each service
- Communication procedures
- Additional training if needed
- Emergency plan
- Exercise/Physical Activity
- Field Trips
- Medical supplies and equipment *
- Student Responsibilities
- Parental notifications

Parents Role on the Section 504 Plan Team

- ❖ Under Section 504 the parent must consent to the child's evaluation and consent to the implementation of the 504 Service Agreement .
- ❖ It is recommended the parent participate in 504 Service Agreement meetings by recommending accommodations and notify school staff of any medical condition or treatment changes.

POLL THE AUDIENCE

- ❖ **The Section 504 plan should indicate what services will be provided; how, when, and where they will be provided; and who will be responsible for monitoring implementation of the Section 504 plan.**

TRUE

FALSE

¿Questions? about Section 504 Process



Activities for Section 504 Case Managers



Case Managers Checklist

School Opening Tasks	Comments	Yes	No	Date
<input type="checkbox"/> Have you identified which students in your building have section 504 service agreements?				
<input type="checkbox"/> Have you assigned yourself as the student's case manager?				
<input type="checkbox"/> Are all of your section 504 service agreements on the EasyIEP System?				
<input type="checkbox"/> Have you reviewed 504 service agreements for due dates and needed materials?				
<input type="checkbox"/> Are there any students who have related services and/or equipment needs?				
<input type="checkbox"/> Have you distributed all of the student's 504 service agreements to teachers and essential personnel?				
<input type="checkbox"/> Is there any training that needs to occur for teachers based on the student's medical condition?				
<input type="checkbox"/> Have you connected with the student and parent to identify yourself as the case manager?				
<input type="checkbox"/> Have you sought support or training for any items you are not familiar with?				

POLL THE AUDIENCE

- ❖ Providing minimal or no monitoring of the implementation of a plan is a common error in the implementation of a Section 504 Plan.

TRUE

FALSE

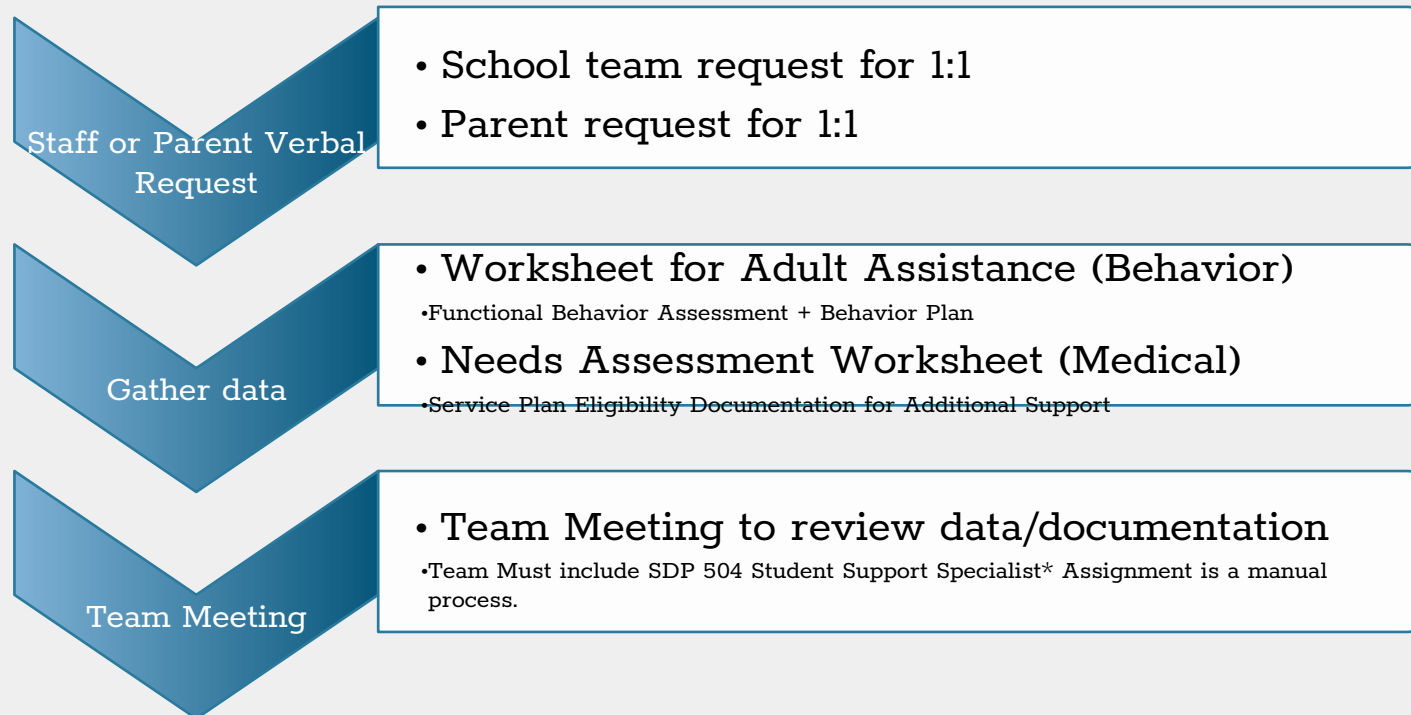
Caseload Identification and Assignment

1. Identify the students in your building with 504 plans:
 - a. Ask the nurse, counselor or special education liaison if they are aware of students with Section 504 plans in the school building.
 - b. Check pupil pockets.
 - c. Check Infinite Campus.
 - d. Check EasyIEP.
2. Identify the students in your building with 504 plans on the EasyIEP System.
3. Add/Delete Students from your Caseload in the EasyIEP System.
4. To begin working on the student 504 consent, eligibility and plan

Reminder: School nurses are case managers for students with physiological conditions. School Counselors are case managers for students with mental health conditions.

Classroom Assistant 1:1 Identification, Assignment and Allocation Process

A recommendation for an individual aide is a **significant programmatic decision** and one that should only be made after a comprehensive discussion of other options considered and clear documentation of as to why those options are not appropriate. Each decision to recommend a one to one aide must weigh the student's condition, environment and circumstance.



Transportation

Section 504 of the Rehabilitation Act helps to ensure students have access to education the same as their non disabled peers. Transportation is an aide provided to students with disabilities under Section 504 to give students access to education and is not provided for the sake of convenience. A transportation request would be appropriate when it is required based on the student's disability and when refusal to provide transportation would hinder the student's access to a free and appropriate education.

A. Requests for Initial transportation services under Section 504.

- a. Section 504 Case Manager schedules Section 504 team meeting and the Section 504 team reviews the evaluation data and determines eligibility.
- b. Section 504 team then determines if a Section 504 Service agreement is needed to provide accommodation(s).
- c. All required forms listed below must be submitted to request transportation accommodations for students with Section 504 Service Agreements. Submission of incomplete transportation packet could delay processing transportation request.
 - i. Section 504 Service Agreement (indicating transportation as a required accommodation)
 - ii. M-152A Medical Transportation Request - Physician Certification
 - iii. M-152B Medical Transportation Request - School Team Authorization

As alternative school teams can attach the completed paperwork with Transportation Action Request using the COMPASS System.

B. Requests for Amended transportation services for updated home address and/or updated school address under Section 504.

- a. Notify Student Support Specialist when:
 - i. Student matriculates or transfers to another SDP school.
 - ii. Student requires transportation the following school year. Submit information by June 1st.

C. Request for Termination of transportation services under Section 504.

- a. Amend the student's 504 service agreement/plan.
 - i. Remove or uncheck transportation in the EasyIEP Section 504 Process.
 - ii. Save and Create Final 504 Service Plan.
 - iii. If student no longer requires any 504 accommodations terminate eligibility in the Eligibility Determination Section of the 504 Process.

Graduation/Change in Placement/Transfers

The Board of Education directs the school assignments of students be consistent with the *educational goals* and the best use of resources of the School District of Philadelphia.

The Board shall determine annually the school attendance areas of the School District and shall expect each student within areas to attend his/her assigned school so designated *except for approved transfers for special purposes as desegregation, programmatic changes and student disciplinary placement.* (SDP Policy 206)

- If a student requires an alternative school location due to programmatic changes such as an wheelchair/elevator accessible school.
- School teams should document this request into a students Section 504 service agreement.
- Finalize the document obtain signatures and submit this information via email or fax to lwwatson@philasd.org
- An Administrative Transfer request will be completed to the office of student enrollment and placement who will identify if there is class space in the nearest designated school building with the appropriate services.
- Notifications of the new school location will be submitted to both the sending and receiving principals.
- This information should then be delivered to the parent from the school team.

Please note services such as transportation or aides cannot be rendered until the student enrolls in the new school [location and appears active on the SIS Infinite Campus.](#)

Dismissal from 504

According to Pennsylvania State Law, the school district will not modify or terminate the student's current service agreement without the parent's' written consent. Teams should terminate a student's 504 service agreement if services are no longer required and/or if the student will now require a higher level of support documented in an IEP.

Step 1: Log on to EasyIEP, Click Students, Select Student

Step 2: Click on to the student's name, Click Section 504 Process

Step 3: Click Determine Section 504 Eligibility

Step 4: Click Section 504 Eligibility Determination

Step 5: Complete the eligibility determination report including sections A, B, and C.

Step 6: Answer the following questions

Step 7: Document the Eligibility Termination Date, Create a final eligibility report and Obtain team signatures.

This process should be followed for all students whose 504 service agreements are documented in the EasyIEP Section 504 Process. For students whose documents who have not been documented on the system will be handled on a case by case basis.

A little MORE about 504

Bullying + Harassment

Under Section 504, schools must address bullying and harassment that are based on a student's disability.

If any bullying or harassing behavior interferes with the ability of a student with a disability to access educational services, the situation, if uncorrected, may constitute a FAPE violation

SDP Grievance Procedures

Under Section 504 school districts must adopt grievance procedures to resolve any complaints regarding alleged discrimination under Section 504.

Any student, as well as parents and third parties, who believe that they have been subject to conduct that violates the non discrimination policy may file a complaint following the administrative procedures. Please immediately report the incident to the District's Section 504/Chapter 15 Coordinator . The complainant is encouraged to use the report form available.

Manifestation Determination

Students with Section 504 Service Agreements are protected in the same way as students with Individualized Education Plans (IEPs).

A student with a Section 504 Service Agreement or in the process of evaluation must have a manifestation determination before suspension or expulsion exceeding 10 consecutive days or 15 cumulative days.

¿Questions? about Section 504 Case Manager Activities



Interested in Learning More and Testing your Knowledge of 504 Regulations, Eligibility and plans.

[Click here.](#)

* Please note this content is specific to Florida and may vary slightly from PA Code Chapter 15.

For More Information Contact Us:

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